REMARKS / ARGUMENTS

Amendments to the Specification

35 U.S.C. § 112, second paragraph issues:

The specification was amended in numerous places to replace the term "chemical composition" with the term "pharmaceutical composition." In all cases, the purpose of the change was to avoid the use of a phrase normally associated with chemical compounds per se and to make clear that the recited ingredients within the claimed composition have therapeutic activity. The changes also keep the terminology of the specification consistent with the terminology of the claims.

The second full paragraph on p. 5 (lines 7-11) was amended to include a definition of the term "blood constipation," so as to rectify any indefiniteness associated with the term.

Correction of typographical errors:

Where paragraphs were replaced, typographical errors were also corrected.

In the first full paragraph on p. 1 (specifically, line 4) "tumeric" was changed to "turmeric."

In the second full paragraph on p. 5 (specifically, line 9) "is" was changed to "in."

In the first full paragraph on p. 8 (specifically, line 7) "Terminalia chebula" was changed to "*Terminalia chebula.*"

In the Abstract, line 1, "videnga" was changed to "vidanga."

Amendments to the Claims

Correction of typographical errors:

Claim 10, line 1 inadvertently contained the phrase "comprising comprising." The second "comprising" has been deleted.

Claims 12-19 are method claims that depend from independent method claim 11, not independent composition claim 1 as was originally submitted. Claims 12-19 have been amended so that they depend from claim 11.

35 U.S.C. § 112, second paragraph issues:

Claims 1-10 have been amended to replace the phrase "chemical composition" with "pharmaceutical composition." This change avoids the use of a phrase normally associated with chemical compounds per se and also makes clear that the recited ingredients within the claimed composition have therapeutic activity.

Claim 1 has been amended to add the phrase "for relieving headache, blood constipation, tapeworm, hemorrhoid, constipation and stomach acidity symptoms" after the word "composition" to ascribe functional characteristics to the herbal ingredients and to make clear that they are active ingredients of the composition. Also added to claim 1 is the phrase "effective amounts of" after the word "comprising" to more definitely characterize the limits of the claims. The same reasoning applies to the addition of the phrase "effective amounts of" after the word "administering" in claim 11.

Claim 11 has been amended to add the phrase "one or more symptoms of" after the word "relieving" and claim 20 has been amended to add the phrase "one or more" after the word

"relieving." These changes give a clearer indication that the composition can be used to treat one, some or all of the listed ailments. The word "pharmaceutical" has been added before the word "composition" in each of claims 11 and 20 to address the concern that it was unclear as to whom or what the composition is to be orally administered. The term "pharmaceutical composition" necessarily implies that the composition is to be administered to a person suffering from one or more of these symptoms.

§103 Rejection of claims 1-20

With respect to the rejection of claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over the state of the art in view of the Trifala IDS website references obtained from www.eisra.com and www.healthymagnets.com, applicant respectfully disagrees.

The Examiner correctly points out that the prior art teaches the use of some of the active ingredients of the claimed composition for the treatment of gastrointestinal disorders. However, the composition as claimed is also effective in the treatment of non-gastrointestinal disorders; namely, headaches, blood constipation, and hemorrhoids. The prior art does not teach the use of the claimed ingredients for the treatment of these symptoms and the composition is non-obvious for that reason.

Furthermore, the combination of these ingredients in a single formulation provides benefits that go beyond the merely additive effects of the ingredients themselves. Prior to this invention, a person suffering from multiple symptoms would have been forced to seek multiple treatments to alleviate them. This might have included several oral and/or topical administrations of several different formulations, sometimes more than once per day. Moreover, components of these various treatments sometimes adversely interact with one another so as to interfere with or altogether eliminate any therapeutic benefit. The claimed composition

overcomes the problems associated with multiple dosing regimens by providing relief of all the listed symptoms by taking one capsule orally once per day. In this way, the claimed composition not only avoids the adverse interaction problem, but also eliminates the need to engage in cumbersome treatment regimens which may be difficult to comply with. The added convenience, lowered dosage frequency, and avoidance of adverse interactions between the active components of the claimed composition are non-obvious benefits of the invention.

Even if the cited prior art suggests this particular pharmaceutical composition for the treatment of all of the symptoms listed in the claims, it should not render applicant's invention obvious. The public has long sought better treatments for gastrointestinal disorders and the other ailments listed, and the health care industry has continuously sought better methods of providing relief. If applicant's invention was in fact obvious in light of the prior art, those skilled in the art surely would have implemented it by now. Indeed, if applicant's invention was so obvious in light of the prior art, it most likely would have been realized and implemented even well before the compositions were disclosed in the listed websites.

Moreover, Applicant's invention is classified in a crowded art. Therefore, a small step forward should be regarded as significant. "Progress is as important in crowded arts as those in which are in the pioneer stage, and that progress in crowded arts in usually made in small increments." *In re Hummer* 241 F.2d 742, 744, 113 U.S.P.Q. 66, 68 (CCPA 1957), *In re Tamarin* 187 F.2d 160, 163, 88 U.S.P.Q. 490, 492 (CCPA 1951). A small step forward in the crowded art of treating symptoms of gastrointestinal disorders is considered progress. Therefore, Applicant's invention should not be considered obvious in view of the prior art.

No new matter has been added in this amendment.

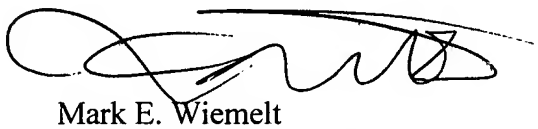
In view of the foregoing, applicant respectfully submits that the claims 1-20 are believed to be nonobvious over the prior art discussed above. Accordingly, applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-20 on the basis of obviousness in view of the aforementioned prior art discussed above. Claims 1-20 are submitted to be allowable. Therefore, favorable reconsideration and allowance of claims 1-20 of this application as amended is respectfully requested.

No fees are seen to be required.

If, for any reason, the Examiner feels that an interview would be helpful to resolve any of the remaining issues, he is respectfully requested to contact the undersigned attorney at (312) 372-7664.

10-27-04

Respectfully submitted,



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